

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVEL JONES,

Plaintiff,

vs.

JOHN CARTER, sued in their individual and
in their official capacities; TIMOTHY
CARMICHAEL, sued in their individual and
in their official capacities; JEFFREY
HOWARD, sued in their individual and in
their official capacities; CITY OF LINCOLN,
SHRIEFF OFFICER UNKNOWN, sued in
their individual and in their official
capacities; and CHIEF OF LINCOLN
POLICE DEPARTMENT, sued in their
individual and in their official capacities;

Defendants.

8:20CV62

ORDER

Before the Court are the Findings and Recommendation (“F&R”) of Magistrate Judge Cheryl R. Zwart, [Filing No. 67](#), recommending that the Defendant Shrieff [sic] Officer Unknown be dismissed for want of prosecution without further notice. Magistrate Judge Zwart found that Plaintiff “has provided no further information to the court which would allow the United States Marshal’s Service to initiate service.” *Id.* Plaintiff filed an Objection, [Filing No. 69](#), but failed to provide additional information regarding the unknown officer or any further actions taken to identify the unknown officer.

The Court agrees with the magistrate judge’s conclusion that the claims against defendant Shrieff Officer Unknown should be dismissed, without prejudice, under Fed. R. Civ. P. 4(m). Accordingly,

IT IS ORDERED:

1. The F&R of the magistrate judge, [Filing No. 67](#), is adopted;
2. Plaintiff's Objection, [Filing No. 69](#), is denied;
3. The Plaintiff's claims against defendant Shrieff Officer Unknown are dismissed, without prejudice; and
4. The Clerk of the Court is directed to terminate the following party and remove them from the case caption: Shrieff Officer Unknown.

Dated this 9th day of November, 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge